

EXHIBIT C

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1 DEPONENT: TERRI PECHNER-JAMES
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4 EXAMINATION BY MR. AKERSON
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9 EXHIBITS
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A P P E A R A N C E S:

FOR THE PLAINTIFFS:

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6 FOR THE DEFENDANTS CITY OF REVERE, AMBROSINO,
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12 FOR THE DEFENDANTS FOSTER, SANTORO, COLANNINO,
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14 MICHAEL J. AKERSON, ESQ.
REARDON, JOYCE & AKERSON, P.C.
397 Grove Street
15 Worcester, Massachusetts 01605

1 MR. AKERSON: My name is Michael
2 Akerson. I'm an attorney for a variety of
3 individual defendants in the above-captioned
4 matter.

5 I have scheduled this deposition of
6 Ms. James -- Terri Pechner-James -- on a variety
7 of occasions prior to today, none of which of
8 those depositions have gone forward.

9 This deposition that we're at today,
10 January 10, 2006, was set for earlier this month
11 in January, but it was continued due to Mr.
12 Dilday's unavailability. We scheduled it here
13 today at my office in Worcester.

14 All the parties -- relevant parties,
15 that is -- are present here with respective
16 counsel, along with the stenographer that our
17 firm has hired for the deposition.

18 Present in the conference room prior
19 to my beginning this on-the-record dissertation
20 were Attorney City Solicitor Paul Capizzi;
21 Assistant City Solicitor Walter Porr; Michael
22 Akerson, of the firm of Reardon, Joyce & Akerson;
23 Mr. Dilday, of Grayer & Dilday; Terri
24 Pechner-James; and Carlton Dasent, who is no

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<p>1 longer an attorney of record in this case, or at 2 all with the Mass. Bar.</p> <p>3 We spoke a few moments ago, Mr. 4 Dilday. Just to make sure I'm clear -- you 5 correct me if I'm mistaken; I put that burden on 6 you, sir -- I asked what Mr. Dasent's involvement 7 with this case was, and this deposition, given 8 his presence here today. I asked point blank if 9 he's employed by your firm, and you said no, he's 10 not employed by your firm.</p> <p>11 MR. DILDAY: That's correct.</p> <p>12 MR. AKERSON: I understand he's 13 currently actively not a lawyer in Massachusetts. 14 Correct?</p> <p>15 MR. DILDAY: That is also correct.</p> <p>16 MR. AKERSON: Okay. You had indicated 17 that Mr. James, the deponent's husband, had 18 planned to come to the deposition today, but was 19 unable to come, correct?</p> <p>20 MR. DILDAY: That's correct.</p> <p>21 MR. AKERSON: And as a result of that 22 you indicated that yesterday it was decided that 23 Mr. Dasent would be here to support and befriend 24 Ms. James during the course of the deposition,</p>	<p>1 conclusion that if she cannot have somebody with 2 her for moral support she will not take part in 3 the deposition.</p> <p>4 MR. AKERSON: Okay. And I would like to 5 further say, Mr. Dilday, are you her counsel of 6 record in the civil suit?</p> <p>7 MR. DILDAY: Clearly I am her attorney 8 of record.</p> <p>9 MR. AKERSON: Okay. This may seem 10 obvious, but you're sitting here in the 11 conference room across from me and next to Ms. 12 James.</p> <p>13 MR. DILDAY: Absolutely.</p> <p>14 MR. AKERSON: Okay. I don't think it's 15 proper -- what I said before, on the record, and 16 for other reasons -- that Mr. Dasent sit in on 17 the deposition, given that he's not a lawyer, 18 he's not an employee of your firm. In my 19 understanding as an attorney, in 15 years, 20 friends are not allowed into depositions, which 21 is sworn testimony in a serious legal matter. If 22 Ms. James want to take periodic breaks in order 23 to befriend or talk to Mr. Dasent I would allow 24 that. We have a kitchen area where Mr. Dasent</p>
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<p>1 correct?</p> <p>2 MR. DILDAY: That is correct.</p> <p>3 MR. AKERSON: Now, given that Mr. 4 Dasent is not a lawyer with an appearance on this 5 case, he's not an employee of your firm -- 6 therefore he has no connection to this case other 7 than as a friend to Ms. James -- I voiced my 8 objection off the record, and I'm echoing the 9 same objection now, while the record is being 10 produced.</p> <p>11 MR. PORR: And for the record, the City 12 of Revere and the city defendants that the city 13 solicitor's office represents joined and do join 14 in that objection.</p> <p>15 MR. AKERSON: Okay.</p> <p>16 MR. DILDAY: And, for the record, from 17 Ms. Pechner-James' side, it's her opinion that 18 she wanted to have somebody here for moral 19 support. Her husband could not come. She has a 20 bond with Mr. Dasent. She wanted him just to be 21 sitting here. Mr. Dasent will take no part in any 22 of the activities at the deposition, and his 23 sitting in the room would in no way be 24 detrimental to the deposition, and it's her</p>	<p>1 could sit down with a bottle of water, which 2 we'll be happy to provide, and then Ms. James can 3 go speak with him during the breaks in the 4 proceedings. That's my offer to you.</p> <p>5 MR. DILDAY: I understand. And I will 6 confer with her one more time.</p> <p>7 MR. AKERSON: Okay. Because taking it 8 the next step, if you will, today is the day for 9 the deposition, and if we don't go forward today 10 we'll have to ask Judge Sorokin for his input on 11 how to handle discovery matters.</p> <p>12 Thank you.</p> <p>13 MR. DILDAY: If we don't go forward 14 today doesn't mean that we cannot go forward. As 15 I stated clearly for the record, Ms. James is 16 concerned about being here without some moral 17 support other than her counsel. As I told you 18 before, she had hoped to have her husband with 19 her. He could not come because of some 20 baby-sitting duties.</p> <p>21 Now, my question to you is, if she 22 brought her husband would you move to exclude him 23 also?</p> <p>24 MR. PORR: I would, because he may very</p>

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1 well be a material witness. He's a former officer 2 of the same police department. He himself filed 3 a complaint against that police department. And 4 so I would certainly object to his presence 5 because of that. I would not want his testimony 6 tainted.		1 own prior employment with the City of Revere and 2 all the issues related to him, and the fact that 3 he, unlike Mr. Dasent, may very well be a witness 4 in this case, just depending on how things shape 5 up when the client goes to trial, as soon as it 6 does.	
7 MR. DILDAY: He would have access to 8 her grand jury minutes anyway once she gets them. 9 He would be able to read them with her, so he 10 would have access to her testimony regardless of 11 whether he would be here or not. So your 12 objection doesn't mean much.		7 MR. AKERSON: I believe, also, Mr. 8 James may be a witness to the purported damage 9 claim, given that he's the spouse of the deponent 10 today.	
13 MR. PORR: It does in the context, 14 though, that during the course of the deposition 15 if he was present during breaks and whatnot 16 he could potentially influence her testimony, 17 given what he's learning from her sitting in the 18 chair.		11 MR. PORR: So your question in the 12 hypothetical, if we reconvene at another date 13 would we object to Mr. James, and my answer to 14 that is yes, for the same reasons we object to 15 Mr. Dilday's presence --	
19 I understand he could read the 20 transcript later. I fully understand that, and 21 I'm aware of that. So I can't create a fail-safe 22 situation that's going to protect from the 23 potential that witnesses will influence each 24 other's testimony. But at least in the deposition		16 MR. DILDAY: Dasent. 17 MR. PORR: I'm sorry. Mr. Dasent's 18 presence -- my apologies -- plus the other 19 reasons already articulated.	
	Page 10	20 MR. DILDAY: Let me go off the record 21 and speak to Ms. James again, and I'll be back. 22 MR. AKERSON: Okay. Go off the record, 23 then. 24 (Short recess.)	Page 12
1 context, while it is ongoing, the whole purpose, 2 as I understand the rules, is to provide at 3 least some basis of integrity for the system 4 so that the witness who is testifying is 5 testifying without the potential for undue 6 influence by others with no real standing in the 7 case and no real legal authority to impact the 8 case.		1 MR. DILDAY: We're going to go forward. 2 MR. AKERSON: Just note for the record 3 that we're going to move forward with the 4 deposition today, January 10. Mr. Dasent is not 5 in the room. 6 Mr. Dilday, do you know where he went? 7 Did he leave the building?	
9 So I would have an objection to Mr. 10 James' presence, given those considerations which 11 aren't present at the moment, because he's not 12 here, so it's academic.		8 MR. DILDAY: No, he's still in the 9 building.	
13 MR. DILDAY: Your objection goes beyond 14 Mr. Akerson's possible objection.		10 MR. AKERSON: I just was going to take 11 a quick break. I'll -- if he's --	
15 MR. AKERSON: It's a different issue. 16 Mr. Porr was just referencing if Mr. James was 17 here at the deposition.		12 MR. DILDAY: I don't know what he's 13 going to do.	
18 MR. PORR: Mr. James and Mr. Dasent are 19 in entirely different categories.		14 MR. AKERSON: Okay. 15 (Short recess.)	
20 MR. DILDAY: True. 21 MR. PORR: So my objection on a general 22 level is the same as to both in terms of their 23 presence in the deposition context.		16 17 18 19 20 21 22 23 24	
24 Mr. James goes even farther, given his			

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1	STIPULATION	1 Is that acceptable?
2	The parties stipulate that all	2 A. Yes.
3	objections except as to the form of the	3 Q. If you need to take a break, we have a
4	question and all motions to strike are	4 bathroom here and, as I mentioned earlier, we
5	reserved until the time of trial. The	5 have some water. Please let me know if you need
6	deponent reserves the right to read and	6 to take a break, okay?
7	sign the transcript.	7 A. Sure.
8		8 Q. I'm going to ask you some general
9	TERRI PECHNER-JAMES,	9 background questions, if you could just bear with
10	having been satisfactorily identified	10 me, to try to get some of it on the record.
11	by the production of her State-issued	11 Where are you currently living?
12	photo identification, and duly sworn by	12 A. Georgetown. Georgetown.
13	the Notary Public, was examined and	13 Q. Georgetown, okay. Do you own a home in
14	testified as follows:	14 Georgetown?
15		15 A. No.
16	EXAMINATION BY MR. AKERSON:	16 Q. Just to be clear, that's a town in
17		17 Massachusetts, Georgetown, Mass.?
18	Q. Good morning. Can you please state	18 A. Yes.
19	your full name for the record?	19 Q. Who are you living with currently in
20	A. Terri James.	20 Georgetown?
21	Q. Do you prefer to be called Ms. James?	21 A. My husband and my children.
22	A. Yes.	22 Q. Are you renting an apartment there?
23	Q. I introduced myself earlier this	23 A. Yes.
24	morning. That's the name you -- you said your	24 Q. You mentioned your husband. I believe
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1	name is Terri James, so I'll call you Ms. James	1 his name is Mark James?
2	in this deposition, unless there's an objection	2 A. Yes.
3	from you.	3 Q. When did you get married?
4	As I mentioned earlier, I represent a	4 A. May of 2001.
5	variety of individual defendants who you've	5 Q. Do you recall the date?
6	brought -- you and Sonia Fernandez have brought a	6 A. Twelfth?
7	lawsuit against. Are you aware of that?	7 Q. Twelfth?
8	A. Mm-hmm.	8 A. Thirteenth? Twelfth.
9	Q. Just general background. To help the	9 MR. DILDAY: It's okay. It will be
10	stenographer, you need to answer with words.	10 okay.
11	A. Okay.	11 Q. Okay, you mentioned you have two
12	Q. It's difficult -- I understand it's	12 children. What are their names and ages, please?
13	difficult -- to take down mm-hmm or a head shake.	13 A. I have three children.
14	If I remind you, please don't think I'm being a	14 Q. Excuse me, three children.
15	pain. It's to get the stenographic record	15 A. Kenisha is my daughter's name,
16	accurate, okay?	16 K-e-n-i-s-h-a. She's 16. Ricky is my middle son.
17	A. Sure.	17 He's 14. And Katelyn is my youngest. She's three.
18	Q. Couple of other ground rules	18 K-a-t-e-l-y-n.
19	generally.	19 Q. K-a-t-e-l-y-n?
20	If you don't understand a question I'm	20 A. Yes.
21	asking or you want me to repeat it or say it	21 Q. Thank you for spelling that.
22	louder please let me know, and I will do so. And	22 Your husband, Mark James, he's the
23	I will also assume that you understand my	23 father of Katelyn?
24	question unless you tell me you don't.	24 A. Yes.